

MANDATE

S.D.N.Y.-N.Y.C.
08-cv-336
Wood, C. J.

United States Court of Appeals FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 26th day of JUNE, two thousand eight,

Present:

Hon. Ralph K. Winter,
Hon. Roger J. Miner,
Hon. José A. Cabranes,
Circuit Judges.

Matthew Primous,

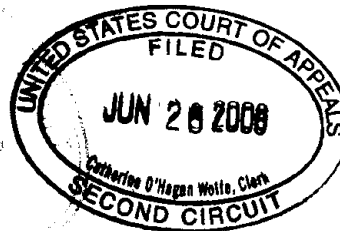
Plaintiff-Appellant,

v.

08-0792-cv

The Orchard Enterprise, Inc.,
d/b/a/ Orchard Music Services,

Defendant-Appellee.



Appellant, *pro se*, moves for leave to proceed *in forma pauperis* and for "T-1080 Motion Information Statement." Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. See *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

By: *Franklin Perry*

SAO-LB

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk
by *Stephanie Hocking*
DEPUTY CLERK

Mandate issued: 7/16/08